IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1280 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/07/2004 in WP No. 12854 OF 2004 on the file of the High Court.)

Between:

1. All India Council for Technical Education, Indira Gandhi Sports Complex, IP Estate,
New Delhi - 110 002 rep by its Chairman.
2. The Secretary, Southern Regional Officer, AICTE, Sastri Bhawan, 26, Haddows Road, Chennai - 600 006.

..... APPELLANTS

AND

1. Sreenidhi Institute of Science and Technology, having its Office at 1-2-288/23/1, Domalguda, Hyderabad.
Rep by its Administrative Officer, T. Radhakrishna, S/o. TV Anjaneyulu, aged 40 years, 20-18, Gowtham Nagar,
Malkajgiri, Hyderabad.
2.The Principal Secretary to Government, Higher Education Department, Andhra Pradesh, Secretariat, Hyderabad.
3.The Jawaharlal Nehru Technological University, Masab Tank, Hyderabad, rep by its Registrar.

.....RESPONDENTS

Counsel for the Appellants: Mr.S.Satyanarayana Prasad

for C.Sindhu Kumari.

Counsel for the Respondent No.1: Mr.D.Prakash Reddy

for G.Mohan Rao.

Counsel for the Respondent No.2: G.P. for Technical Education

Counsel for the Respondent No.3: Mr.C.Kodandaram

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The order passed by the learned Single Judge pending filing of counter affidavit by the respondents in the Writ Petition is under challenge by the appellants on the ground that such an order could not have been passed curtailing the discretion of the appellants and directing the appellants to act in a particular manner.

We have considered the submissions made at the Bar.

Counter-affidavit had not been filed in the Writ Petition. Learned counsel for the appellants states that counter affidavit will be filed within one week. The impugned order does not disclose even the ground of urgency, which prevailed in passing the order or the reason, which prompted the learned Single Judge to direct orders to be passed on representation of the writ petitioner in a particular manner. The order, as such, needs interference in Appeal.

Consequently, Appeal is partly allowed, impugned order is modified and is substituted by our order directing the appellants to consider the petitioner's representation dated: 8.7.2004 in accordance with law, and, pass appropriate orders, and, communicate the same to the writ petitioner, within a period of two weeks. Learned counsel for the appellants, without prejudice to the rights, further submits that counter affidavit will be filed within a week before the learned Single Judge. In case, it is filed within one week, the learned Single Judge will examine the viability of taking up the Writ Petition immediately thereafter for consideration. No costs.

_____

DEVINDER GUPTA, C.J.

1.9.2004.

_____

C.V.RAMULU, J.

VR.

To

1. The Chairman, All India Council for Technical Education, Indira Gandhi Sports Complex, IP Estate, New Delhi - 110 002.
2. The Secretary, Southern Regional Officer, AICTE, Sastri Bhawan, 26, Haddows Road, Chennai - 600 006.

3.The Principal Secretary to Government, Higher Education Department, Andhra Pradesh, Secretariat, Hyderabad.
4.The Registrar, Jawaharlal Nehru Technological University, Masab Tank, Hyderabad.

5. Two CCs to Govt. Pleader for Technical Education, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.